

March 29, 2001

**VIA HAND DELIVERY**



Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, MO 65101

Re: MPSC Case No. EM-2001-233

**FILED<sup>2</sup>**  
MAR 29 2001  
Missouri Public  
Service Commission

Dear Mr. Roberts:

Enclosed for filing on behalf of Union Electric Company, d/b/a AmerenUE, in the above matter, please find an original and eight (8) copies of its **Request For Leave To Withdraw Application For Transfer of Assets**.

Kindly acknowledge receipt of this filing by stamping a copy of the enclosed letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

*James J. Cook/sh*

James J. Cook  
Managing Associate General Counsel

JJC/mlh  
Enclosures

cc: Ms. Nancy Dippell  
Parties on Attached Service List

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

MAR 29 2001

Missouri Public  
Service Commission

In the Matter of the Application of Union )  
Electric Company, d/b/a AmerenUE for an Order )  
Authorizing the Sale, Transfer and Assignment )  
of Certain Assets, Real Estate Leased Property, )  
Easements and Contractual Agreements to )  
Central Illinois Public Service Company d/b/a )  
AmerenCIPS, and, in Connection Therewith, )  
Certain Other Related Transactions. )

Case No. EM-2001-233

**REQUEST FOR LEAVE TO WITHDRAW  
APPLICATION FOR TRANSFER OF ASSETS**

COMES NOW Union Electric Company d/b/a AmerenUE ("the Company") and pursuant to 4 CSR 240-2.116 submits this Request for Leave to Dismiss Application in the above styled case. The Company requests that its Application for Transfer of Assets and Change in Decommissioning Trust Fund be dismissed.<sup>1</sup> In support of its request, the Company states as follows:

1. On October 6, 2000, the Company filed its Application with the Commission. An Amendment to that Application was filed on October 26, 2000.
2. On October 30, 2000, the Staff of the Commission filed its Response to Commission Order Adopting Protective Order and Directing Filings Respecting Union Electric Company's Request for Expedited Treatment. In that pleading, the Staff expressed various concerns about the filing; including, the costs to Missouri ratepayers, and the "unconventional" nature of the filing because of the request for "ratemaking determinations outside the context of a rate proceeding." In addition, the Staff expressed

<sup>1</sup> The Company's Motion for Expedited Treatment was previously withdrawn, orally, during the Prehearing Conference, held on December 20, 2000. Transcript p. 8

its concern that the Company's filing might be in violation of the second experimental alternative regulation plan (EARP) in Case No. EM-96-149. Also, the Staff was concerned about the sufficiency of the information provided with the filing, and the time that would be required to evaluate the additional information that the Staff requested.

3. On the same date, the Office of Public Counsel filed its Response to AmerenUE's Motion for Expedited Treatment. The Public Counsel expressed their concern "that certain requested ratemaking determinations requested in this case could unlawfully prejudice matters that are beyond the statutory authority granted to the Commission..." and that there could be implications to the Joint Dispatch Agreement and the EARP.

4. In response to these filings, the Company requested a prehearing conference, which was held on December 20, 2000. In addition, once it became clear that expedited treatment was not going to be possible, the Company, as stated in its original filing, sought "requests for proposals" ("RFP") to obtain capacity and energy for the summer of 2001. The Staff and the Public Counsel participated with the Company in the development of those RFPs.

5. At that prehearing conference, the Company withdrew its request for expedited treatment, and the parties agreed to submit a procedural schedule by January 16, 2001.

6. On January 16, 2001, a Unanimous Stipulation and Agreement Respecting Procedural Schedule was filed with the Commission. In that filing, the Company agreed that it would file "Supplemental Direct Testimony" by February 8, 2001.<sup>2</sup> The Staff,

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<sup>2</sup> The Supplemental Direct Testimony was to address the requests for additional information from the Staff.

Public Counsel and other's Rebuttal Testimony was to be filed on June 7, 2001. That proposed schedule was approved by the Commission, by order dated February 1, 2001.

7. Thereafter, the Company filed a Request to Hold Procedural Schedule in Abeyance, on February 6, 2001, noting that work on the additional information requested by the Staff was not complete. The Commission granted that request on February 26, 2001. On February 20, the Company filed a Status Report, indicating that work was continuing; and on March 15, the Company again informed the Commission that it was not yet prepared to file the additional testimony. The Company indicated that it would respond further to the Commission and the parties by April 15, 2001, concerning the matter.

8. Subsequent to that last filing, the Company and AmerenCIPS have decided not to proceed with the proposed transfer. Therefore, the Company asks leave to dismiss this matter. The request for various approvals concerning the Company's decommissioning trust fund are also withdrawn, and the Company asks leave that those requests be dismissed, as well. Requests for approval of the transfer which are currently pending in other jurisdictions will also be withdrawn or dismissed. Alternative plans for meeting AmerenUE's capacity energy needs for the summer of 2001 have already been commenced. Additional plans for later years are being developed and will be shared with the Staff and the Public Counsel in future meetings.

WHEREFORE, Union Electric Company asks leave of the Commission to  
dismiss this matter forthwith.

Dated March 29, 2001

Respectfully submitted,  
Union Electric Company  
d/b/a AmerenUE

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**CERTIFICATE OF SERVICE**

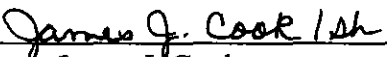
I hereby certify that a copy of the foregoing document was served on the following parties of record via U.S. First-Class Mail on this 29<sup>th</sup> day of March, 2001:

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